

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



**CORRECTED
FISCAL NOTE**

HB 29 – SB 933

March 2, 2009

SUMMARY OF BILL: Increases the penalty for abuse of corpse from a Class E felony to a Class C felony if the defendant caused the death of such person. Expands the discretionary sentence enhancement factors of the Criminal Sentencing Reform Act of 1989 to include mutilation of victim's body after death if the defendant is convicted of second degree murder.

ESTIMATED FISCAL IMPACT:

On January 22, 2009, we issued a fiscal note indicating an *increase in state expenditures of \$45,900/Incarceration*. Based on further review and additional information provided by the Department of Correction (DOC), the fiscal impact of the bill is as follows:

(CORRECTED)

Increase State Expenditures - \$42,900/Incarceration*

Assumptions:

- Abuse of a corpse is currently a Class E felony with a sentencing range of one to six years. According to DOC, there has been an average of one admission for abuse of corpse offenses in each of the past 10 years.
- According to the U.S. Census Bureau, population growth in Tennessee has been 1.12 percent per year for the past 10 years, yielding a projected compound population growth of 11.78 percent over the next 10 years. No significant incarceration cost increase will occur due to population growth in this period.
- According to DOC, 35 percent of offenders will re-offend within two years of their release. A recidivism discount of 35 percent has been applied to this estimate to account for the impact of offenders who would re-offend under current law within the additional time added by this bill. It is assumed that the re-offender would have committed the subsequent offense at the same felony level as under current law (one offenders x 35% recidivism discount = 0.35 offenders).
- According to DOC, the average post-conviction time served for a Class E felony is 1.63 years and 3.59 years for a Class C felony. This bill will

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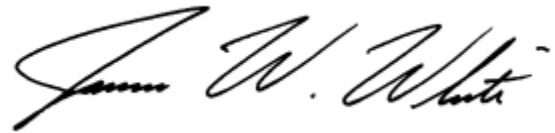
result in a person convicted of abuse of corpse offenses serving an additional 1.96 years (3.59 years for a Class C – 1.63 years for a Class E).

- The cost per offender at 1.63 years is \$35,548.11 (\$59.80 x 594.45 days). The cost per offender at 3.59 years is \$78,426.50 (\$59.80 x 1,311.48 days). The additional cost of increasing the average sentence length by 1.96 years is \$42,878.39 (\$78,426.50 - \$35,548.11). The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is \$42,878.39).

**Tennessee Code Annotated, Section 9-4-210, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues shall be based upon the highest cost of the next 10 years.*

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.



James W. White, Executive Director

/lsc